

REMARKS

Further to Applicants' response submitted on January 24, 2008, which has already been entered into the record, Applicants submit herewith a **Declaration Under 37 C.F.R. § 1.132 by Dr. Masao Tokunaga (hereinafter "Tokunaga Declaration")** in support of the patentability of the present application.

Claims 1-5, 19 and 20 remain rejected under 35 U.S.C. § 103(a) as being rendered obvious. Applicants respectfully request reconsideration and withdrawal in view of the present submission.

In the present Tokunaga Declaration, Dr. Tokunaga provides experimental results which support the non-obviousness of the presently claimed invention. Namely, the Declaration provides clear evidence that the instantly claimed respiration deficient yeast strains are surprisingly and unexpectedly more reliable than those of the cited prior art.

As explained in the Tokunaga Declaration, the wild-type yeast strains yield experimental data with a large experimental error, making them very unreliable. On the other hand, the respiration ability-deficient yeast strains yield very little experimental error, thus making them extremely reliable.

Given the surprisingly improved results detailed in the Tokunaga Declaration, Applicants submit the presently claimed invention is indeed non-obvious. Accordingly, Applicants submit that the obviousness rejections are improper, and respectfully request the Examiner reconsider and withdraw all of the obviousness rejections.

In view of the foregoing, Applicants respectfully submit that the present claims are now in condition for allowance. A Notice of Allowance is earnestly solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Monique T. Cole, Registration No 60,154, at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to our Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under § 1.17; particularly, extension of time fees.

Dated: **MAY 20 2008**

Respectfully submitted,

By: 

MTG Gerald M. Murphy, Jr.

Registration No.: 28,977

BIRCH, STEWART, KOLASCH & BIRCH, LLP

8110 Gatehouse Road

Suite 100 East

P.O. Box 747

Falls Church, Virginia 22040-0747

(703) 205-8000

Attorney for Applicant

Attachment: Declaration Under 37 C.F.R. § 1.132 by Dr. Masao Tokunaga